

Personally, I need the SCOTUS (inc) to explain my rights to me like I need a case of the clap. They did exactly what I thought they would: Overturn the DC ban, say we have an individual right, but with 'reasonable restrictions'.

The following is from Mike Kemp, an old friend of mine who use to write articles on the Constitution and Bill of Rights for a newspaper in Gadsden, Alabama. This is his take. Mine I will reserve for myself. Except that I say ditto to the "unreconstructed rebel" part.

> <http://www.scotusblog.com/wp/wp-content/uploads/2008/06/07-290.pdf>

> Held:

- > 1. The Second Amendment protects an individual right to possess a
- > firearm unconnected with service in a militia, and to use that arm for
- > traditionally lawful purposes, such as self-defense within the home.
- > Pp. 2–53.

My, my. I have most carefully read the 2nd and nowhere in it do I find the word 'firearm' or 'gun'. What I find is the word 'arms'. That is an all-inclusive term. It means anything from a rock in hand to..... whatever. Any weapon. ANY weapon. ALL weapons. I will point out that the redcoats of General Gage in Boston were seeking CREW SERVED WEAPONS-- cannon-- when they made their foray to Concord on April 19, 1775.

- > (a) The Amendment's prefatory clause announces a purpose, but
- > does not limit or expand the scope of the second part, the operative
- > clause. The operative clause's text and history demonstrate that it
- > connotes an individual right to keep and bear arms. Pp. 2–22.

...being necessary to the security of a free state-- and what interferes with a 'free state'? A meddlesome government...

Kindly notice that for all the lawyer talk, all the barnyard byproduct legalese, the wording used in the 2nd is all positive and 'mandatory' and inclusive for the citizenry, and precisely the opposite for government. Government is utterly forbidden any ability to meddle, while the citizenry is utterly empowered and made free of government interference.

NECESSARY to the security of a free state....

... the RIGHT of the people--. inherent personal prerogative immune to government meddling

...to keep and bear ARMS-- no restriction; any and all weaponry

SHALL NOT be infringed-- plain, positive, inclusive. Government, thou shalt not

- > (b) The prefatory clause comports with the Court's interpretation
- > of the operative clause. The "militia" comprised all males physically
- > capable of acting in concert for the common defense. The Antifederal-
- > ists feared that the Federal Government would disarm the people in
- > order to disable this citizens' militia, enabling a politicized standing
- > army or a select militia to rule. The response was to deny Congress

- > power to abridge the ancient right of individuals to keep and bear
- > arms, so that the ideal of a citizens' militia would be preserved.
- > Pp. 22–28.

I suppose they hope that no one notices that this completely invalidates most of the other 'findings' of the 'opinion'. That is, (b) above points out that GOVERNMENT is the likely enemy and likely target of any true employment of the purpose, the 'prefatory clause', of the Amendment. Now, like a cat having defecated on linoleum, the 'honorable justices' set out to cover that 'inconvenient fact'.

- > (c) The Court's interpretation is confirmed by analogous arms-
- > bearing rights in state constitutions that preceded and immediately
- > followed the Second Amendment. Pp. 28–30.
- > (d) The Second Amendment's drafting history, while of dubious
- > interpretive worth, reveals three state Second Amendment proposals
- > that unequivocally referred to an individual right to bear arms.
- > Pp. 30–32.

'Dubious interpretative worth'? They mean, the part where the Founders clearly meant for the citizens to be armed and capable of overthrowing the government when necessary?

- > (e) Interpretation of the Second Amendment by scholars, courts
- > and legislators, from immediately after its ratification through the
- > late 19th century also supports the Court's conclusion. Pp. 32–47.

Once upon a time, in the lifetime of my father and grandfather, if you wanted a weapon-- ANY weapon, ALL weapons, you simply went and bought it. Artillery, explosives, auto weapons, short barreled anything, it mattered not. If you wanted it and had the cash (gold and silver coin), you found a willing seller and bought it. And who gives a bit of care to what 'scholars, courts, and legislators' think about something which is declared out of bounds to any restriction? The 2nd, as written, precludes any and all effort to restrict weaponry or the citizens' access to weaponry of their choice.

- > (f) None of the Court's precedents forecloses the Court's interpre-
- > tation. Neither *United States v. Cruikshank*, 92 U. S. 542, 553, nor
- > *Presser v. Illinois*, 116 U. S. 252, 264–265, refutes the individual-
- > rights interpretation. *United States v. Miller*, 307 U. S. 174, does not
- > limit the right to keep and bear arms to militia purposes, but rather
- > limits the type of weapon to which the right applies to those used by
- > the militia, i.e., those in common use for lawful purposes. Pp. 47–54.

Here comes the barnyard byproduct. Here is the effort to remove and hide the actual purpose of the 2nd-- that is, to hold a weapon at the head of government. Here is the effort to 'allow' the criminals of government to 'define' what 'type' of weapon the criminals are going to 'allow'. And further, to declare 'for lawful purposes'-- that is, what government SAYS is 'lawful'... and shooting politicians and their 'enforcers' for attempting to infringe on the 'security' of our 'free state' will certainly not be considered a 'lawful purpose'. And

certainly not after having 70-odd years to freely restrict citizens' access and employment of arms of the CITIZENS' choice.

I would ask-- what 'lawful purpose' did the armed citizenry of Lexington and Concord Massachusetts and their environs pursue? Please note that the 'lawful government' which would have been providing the definition of 'lawful purpose' was the object of the exercise-- that is, the redcoat enforcers of King George III.

> 2. Like most rights, the Second Amendment right is not unlimited.
> It is not a right to keep and carry any weapon whatsoever in any
> manner whatsoever and for whatever purpose: For example, con-
> cealed weapons prohibitions have been upheld under the Amendment
> or state analogues. The Court's opinion should not be taken to cast
> doubt on longstanding prohibitions on the possession of firearms by
> felons and the mentally ill, or laws forbidding the carrying of fire-
> arms in sensitive places such as schools and government buildings, or
> laws imposing conditions and qualifications on the commercial sale of
> arms. Miller's holding that the sorts of weapons protected are those
> "in common use at the time" finds support in the historical tradition
> of prohibiting the carrying of dangerous and unusual weapons.
> Pp. 54–56.

So now they bless and allow 70-odd years of meddling to stand. Piss on the Court. Whether or not the 'average gun owner' can read their jumbled up and contradictory statements with comprehension, I can. And I see this as an unqualified victory for the tyrant. Government infringement upon our RIGHT is clearly blessed by this 'honorable court'.

> 3. The handgun ban and the trigger-lock requirement (as applied to
> self-defense) violate the Second Amendment. The District's total ban
> on handgun possession in the home amounts to a prohibition on an
> entire class of "arms" that Americans overwhelmingly choose for the
> lawful purpose of self-defense. Under any of the standards of scru-
> tiny the Court has applied to enumerated constitutional rights, this
> prohibition—in the place where the importance of the lawful defense
> of self, family, and property is most acute—would fail constitutional
> muster.

Do please note that the discussion has wheeled about and now the TRUE purpose of the 2nd, to guarantee the citizenry the ability to resist tyranny, is swept under the judicial floor covering of barnyard byproduct. '(L)awful defense of self, family, and property' conveniently conceals the fact that the citizens' weaponry is to RESIST GOVERNMENT TYRANNY.

> Similarly, the requirement that any lawful firearm in the

'lawful firearm'? How does 'right to keep and bear arms' get morphed into the concept of 'lawful firearm'? The intended target of the weapons is now given the ability to DEFINE what is a 'lawful weapon'?

They can line up and kiss my unreconstructed rebel ass.

- > home be disassembled or bound by a trigger lock makes it impossible
- > for citizens to use arms for the core lawful purpose of self-defense and

'Core purpose of self defense'? Only when viewed in the larger sense of 'self protection against GOVERNMENT'.

- > is hence unconstitutional. Because Heller conceded at oral argument
- > that the D. C. licensing law is permissible if it is not enforced arbitrarily and capriciously, the Court assumes that a license will satisfy
- > his prayer for relief and does not address the licensing requirement.

Oh, how sweet for Unca Sham. They hereby explicitly bless licensing. And somehow 'shall not be infringed' is made moot. In many, many other decisions, it is explicitly stated that a right cannot be made subject to taxation nor licensing IN ANY FORM.

Nice try, black robed whores. Go try to peddle your barnyard byproduct to someone who cannot see through your legal legerdemain.

- > Assuming he is not disqualified from exercising Second Amendment
- > rights, the District must permit Heller to register his handgun and
- > must issue him a license to carry it in the home. Pp. 56–64.
- > 478 F. 3d 370, affirmed.

So THIS is a 'victory' for the RIGHT to KEEP AND BEAR ARMS?

Sorry, folks, I can read plain English, and I know what was just done to us. And that is, precisely what I have been predicting would happen, all along.

William Michael Kemp
Liberty, Mississippi

Posted: 6/26/2008 4:40:52 PM CDT

<https://www.ar15.com/forums/general/-ARCHIVED-THREAD-Unreconstructed-Rebel-gives-take-on-2nd-amendment-rulingheight/5-725267/?=8>